

August 21, 2020

**VIA CM/ECF**

The Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**RE: Joint Request to Stay Responsive Pleading Deadline and Set Briefing Schedule in *State of New York, et al. v. U.S. Department of Education, et al.*, No. 1:20-cv-4260-JGK (S.D.N.Y.)**

Dear Judge Koeltl:

Plaintiffs the State of New York and the Board of Education of the City School District of the City of New York (“Plaintiffs”) and Defendants United States Department of Education and Elisabeth DeVos, in her official capacity as the Secretary of Education (“Defendants”) (collectively, the “Parties”), jointly notify the Court of the Parties’ intent to file cross-motions for summary judgment in the above-referenced case, and request that the Court: (1) set the Parties’ proposed briefing schedule below; and (2) stay Defendants’ deadline to answer Plaintiffs’ complaint, currently set for August 24, 2020, until 30 days after the Court’s rulings on the Parties’ summary judgment motions. The Parties further request that the Court set any pre-motion conference required under Section II.B. of this Court’s individual practices for no later than 14 days prior to the deadline for Plaintiffs’ motion for summary judgment.

The Parties jointly propose the following briefing schedule:

- (1) By September 3, 2020, Defendants will lodge the full administrative record on the Final Rule, 85 Fed. Reg. 30,026 (May 19, 2020), in a format to be agreed on by the Parties;
- (2) By October 8, 2020, Plaintiffs will file their motion for summary judgment;
- (3) By November 5, 2020, Defendants will file their cross-motion for summary judgment;
- (4) By December 3, 2020, Plaintiffs will file their opposition to Defendants’ cross-motion for summary judgment; and
- (5) By December 31, 2020, Defendants will file their reply brief.

Defendants will file their answer no later than 30 days following the Court's ruling on the Parties' motions, if the case remains pending.

Respectfully submitted,

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